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19 RICHARD DENT, ET AL.

20 **UNITED STATES DISTRICT COURT**  
21 **NORTHERN DISTRICT OF CALIFORNIA**  
22 **SAN FRANCISCO DIVISION**

23 RICHARD DENT, et al.,

24 Plaintiffs,

25 v.

26 NATIONAL FOOTBALL LEAGUE,

27 Defendant.  
28

CASE NO.: 3:14-cv-02324-WHA

**JOINT CASE MANAGEMENT  
SUGGESTIONS**

Plaintiffs Richard Dent, et al. (hereinafter “Plaintiffs”) and Defendant National Football League (hereinafter “Defendant” or the “NFL”) (collectively, the “Parties”) met and conferred about the Court’s Request for Case Management Suggestions (Dkt. No. 116). The Parties have no objection to each other’s suggestions for the efficient management of the case, and therefore respectfully submit the following joint suggestions for the Court’s consideration.

**I. LEAVE TO FILE THIRD AMENDED COMPLAINT**

Plaintiffs have indicated that they intend to seek leave to file a third amended complaint (the “Third Amended Complaint”) as their “best and final” pleading. The NFL does not object to the filing of the Third Amended Complaint, to which Defendant intends to respond with a motion to dismiss. If leave is granted and the Court grants the NFL’s motion to dismiss, Plaintiffs have agreed that they will not seek leave to file a Fourth Amended Complaint.

**II. MOTION TO DISMISS SCHEDULING**

If leave to file the Third Amended Complaint is denied, the NFL intends to move to dismiss Plaintiffs’ operative complaint in accordance with the Court’s schedule and the Federal Rules of Civil Procedure. The Parties respectfully suggest that the schedule should proceed as follows:

MOTION / EVENT	DEADLINE
The NFL Files Its Motion to Dismiss the Second Amended Complaint (the “MTD”)	Nov. 20, 2018
Plaintiffs File Their Opposition to the NFL’s MTD	Dec. 4, 2018
The NFL Files Its Reply in Support of Its MTD	Dec. 11, 2018
Hearing on the NFL’s MTD	Dec. 20, 2018

However, if the Court permits Plaintiffs to file their Third Amended Complaint, the Parties respectfully request a modified briefing schedule. Given the challenges associated with a briefing schedule that potentially encompasses three separate federal holidays, the Parties respectfully ask that the Court consider the following briefing schedule:

MOTION / EVENT	DEADLINE
Plaintiffs File Their Third Amended Complaint	Dec. 5, 2018
The NFL Files Its Motion to Dismiss the Third Amended Complaint (the “MTD”)	Jan. 16, 2019
Plaintiffs File Their Opposition to the NFL’s MTD	Feb. 5, 2019
The NFL Files Its Reply in Support of Its MTD	Feb. 14, 2019
Hearing on the NFL’s MTD	Feb. 21, 2019

### **III. DISCOVERY STAY**

The Parties do not foresee a need for additional discovery through the Court’s decision on the contemplated challenges to the Third Amended Complaint (or the Second Amended Complaint, if leave to amend is denied). The Parties suggest that discovery be stayed pending further order of the Court.

### **IV. RULE 16 SCHEDULING CONFERENCE**

The Parties respectfully ask the Court to set a scheduling conference under Rule 16 if the contemplated motion to dismiss is denied.

DATED: October 23, 2018

Respectfully Submitted:

SILVERMAN THOMPSON SLUTKIN WHITE LLC

By: /s/ William N. Sinclair  
WILLIAM N. SINCLAIR  
Attorneys for Plaintiffs

1 DATED: October 23, 2018

Respectfully Submitted:

2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

3  
4 By: /s/ Jack P. DiCanio  
5 JACK P. DICANIO  
6 Attorneys for Defendant  
7 NATIONAL FOOTBALL LEAGUE  
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9 **SIGNATURE ATTESTATION**

10 Pursuant to Civil Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in  
11 the filing of this document has been obtained from any other signatory to this document.  
12

13 DATED: October 23, 2018

/s/ Jack P. DiCanio  
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